

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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WELLS FARGO, N.A., ) CIVIL FILE  
Plaintiff, ) NO. 12-CV-2621 (ADM/JJK)  
vs. )  
JILL CLARK; JILL CLARK, P.A.; WILL )  
McDONALD; JOHN HOFF; and MEGAN )  
GOODMUNDSON, )  
Defendants. )  
PETER RICKMYER; MORRIS KLOCK; )  
JERRY MOORE; JILL CLARK; )  
JILL CLARK, P.A.; and )  
JILL CLARK, LLC, )  
Third-Party Plaintiffs, )  
vs. )  
HENNEPIN COUNTY DISTRICT COURT; )  
ROBERT BLAESER in his individual )  
capacity as Presiding Judge of )  
Civil; and JOHN DOES 1-10, ) Courtroom 13 West  
Third-Party Defendants. ) Friday, January 11, 2013  
Minneapolis, Minnesota )  
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HEARING ON

**DEFENDANTS McDONALD, HOFF, and GOODMUNDSON'S  
MOTION TO REMAND  
[ DOCKET NO. 13 ]**

**THIRD-PARTY PLAINTIFF RICKMYER'S APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
[ DOCKET NO. 2 ]**

**THIRD-PARTY PLAINTIFFS' MOTION TO CONSOLIDATE CASES  
[ DOCKET NO. 28 ]**

BEFORE THE HONORABLE ANN D. MONTGOMERY  
UNITED STATES DISTRICT JUDGE

**A P P E A R A N C E S :**

For **Defendant Will McDonald:**

**OFFICE OF THE HENNEPIN COUNTY ATTORNEY**

By: JULIE K. BOWMAN  
Assistant County Attorney  
C-2000 Government Center  
300 South Sixth Street  
Minneapolis, Minnesota 55487

For **Defendants John Hoff and Megan Goodmundson:**

**GODFREAD LAW FIRM**

By: PAUL GODFREAD, ESQUIRE  
100 South Fifth Street - Suite 1900  
Minneapolis, Minnesota 55401

For **Third-Party Plaintiff Peter Rickmyer (limited appearance) :**

Peter Rickmyer, Pro Se  
2118 - 25th Avenue North  
Minneapolis, Minnesota 55411

**TIMOTHY J. WILLETT, RDR, CRR, CBC, CCP**

Official Court Reporter - United States District Court  
1005 United States Courthouse  
300 South Fourth Street  
Minneapolis, Minnesota 55415  
612.664.5108

1 (9:30 a.m.)

## P R O C E E D I N G S

**IN OPEN COURT**

4 THE COURT: Good morning. Please be seated.

5 THE CLERK: The matter before the Court is Wells  
6 Fargo v. Clark, et al.

7 Counsel, would you please note your appearances  
8 for the record.

9                   THE COURT: Let's start over here at the  
10 plaintiff's table. You're Mr. Rickmyer, I assume.

11 MR. RICKMYER: Peter Rickmyer. My attorney's name  
12 is Jill Clark.

13                   THE COURT: Okay. The first thing I kind of want  
14 to get clear is whether or not you represent yourself since  
15 I've read several of the filings that you've signed, or  
16 whether Ms. Clark represents you.

17 MR. RICKMYER: What happens --

18                   THE COURT: Can I have you step to the lectern.  
19                   It's just easier for us to get a good record of what you  
20                   say.

21 MR. RICKMYER: To my knowledge, the defendants  
22 knew my attorney was on medical leave and submitted a motion  
23 to remand. My attorney was unable to make the proper  
24 filings. I then stepped in on a limited-appearance basis to  
25 protect my rights to object to the motion to remand. It's

1       also -- it's my understanding that my attorney filed a  
2       motion to consolidate with another case that's filed with  
3       the federal court.

4                  As the Court knows, since I prepared the  
5       objections, I'm actually prepared to argue if I need to step  
6       in on a limited appearance to argue why it should not be  
7       remanded.

8                  THE COURT: Okay.

9                  MR. RICKMYER: However, I do not waive my right to  
10      have the cases consolidated, that Jill Clark still  
11      represents me, but certainly my attorney is not here, so I'm  
12      ready to proceed on a limited appearance *pro se* to argue  
13      this particular motion if need be.

14                 THE COURT: Okay. Well, let me just make sure I  
15      understand you and be clear.

16                 Jill Clark is your attorney. That's true?

17                 MR. RICKMYER: Yes.

18                 THE COURT: And you do want me to go forward with  
19      the motion and hear you today arguing on behalf of your own  
20      case, true? You want me to consider and hear your  
21      arguments?

22                 MR. RICKMYER: Right. What I was trying to say is  
23      that the Court has not ruled on whether or not today's  
24      motion hearing should go forward in light of the motion to  
25      consolidate.

1                   THE COURT: Okay. And are you a part of that  
2 motion to consolidate? You want this case to await a  
3 hearing on the motion to consolidate, or do you want me to  
4 consider your motion and the objections that you'd made  
5 today?

6                   MR. RICKMYER: Well, actually, it's the  
7 defendants' motion to remand --

8                   THE COURT: Right.

9                   MR. RICKMYER: -- and I'm just responding to it.

10                  THE COURT: But you filed quite a few things about  
11 that motion and I was prepared to hear argument on that  
12 today, but I want to make sure that you're okay with arguing  
13 that and that Ms. Clark is okay with you arguing that as  
14 long as it's on a limited basis.

15                  MR. RICKMYER: Well, it's my understanding that my  
16 case is also part of that consolidation.

17                  THE COURT: Right.

18                  MR. RICKMYER: And that this Court hasn't ruled  
19 whether or not this hearing should go forward or not. If  
20 this Court says regardless of the motion to consolidate  
21 we're going to move forward today, then I'm ready to step in  
22 on a limited appearance to represent myself for the hearing  
23 itself.

24                  THE COURT: And Ms. Clark is okay with that, that  
25 given those assumptions, that she knows that you're going to

1 appear on a limited basis then today?

2 MR. RICKMYER: Yes. She's aware that I filed some  
3 objections and she's aware that I have an understanding of  
4 the proceedings today.

5 THE COURT: Because one of the things I want to  
6 avoid is getting between you and your attorney in terms of  
7 whether I should proceed or not. I want you to have a  
8 united position.

9 MR. RICKMYER: Right. It's my understanding that  
10 my attorney wishes this case to be consolidated and that  
11 it's her wishes not to have this hearing heard today.

12 THE COURT: Okay.

13 MR. RICKMYER: I'm just stating for the record if  
14 the Court doesn't rule on the motion to consolidate, then  
15 I'm ready to proceed.

16 THE COURT: All right.

17 MR. RICKMYER: Thank you.

18 THE COURT: And I don't think we even got to  
19 getting your appearance on the record, so let's note the  
20 appearances of the defendant.

21 MR. GODFREAD: Paul Godfread appearing on behalf  
22 of John Hoff and Megan Goodmundson.

23 THE COURT: All right.

24 MS. BOWMAN: Julie Bowman, Assistant County  
25 Attorney, appearing on behalf of Will McDonald.

1                   THE COURT: And McDonald is the moving party with  
2 regard to today's motion to remand, as I understand.

3                   MS. BOWMAN: Your Honor, the motion is brought on  
4 behalf of all three of us.

5                   THE COURT: Oh, all of them. All right.

6                   MS. BOWMAN: The remaining defendants in this  
7 case.

8                   THE COURT: All right. Well, as Mr. Rickmyer  
9 alluded to, there was very recently filed a motion to  
10 consolidate which was just filed yesterday, I believe.

11                  MR. RICKMYER: Yes, that would be correct.

12                  THE COURT: And do the defendants take any  
13 position with regard to the motion to consolidate?

14                  MR. GODFREAD: Yes, Your Honor. We believe the  
15 motion to consolidate is inappropriate to hear at this time.  
16 This case was removed to federal court, at least in the  
17 opinion of Hoff and Goodmundson and myself, to merely delay  
18 the underlying case which was already scheduled for hearing  
19 a motion to dismiss, so we would like to proceed with the  
20 remand so that the ultimate determination of that case won't  
21 be delayed any further.

22                  THE COURT: All right.

23                  MS. BOWMAN: Your Honor, may I -- Your Honor, we  
24 would object to the motion to consolidate for a couple of  
25 reasons.

1                   First of all, we were not given notice of it at  
2                   all until yesterday. I think that there's a rule that  
3                   requires us to meet and confer, a new local rule.

4                   Secondly, we have had this motion scheduled for  
5                   quite a while for the remand, and if Ms. Clark is clearly on  
6                   medical leave, I don't know how she had the ability to file  
7                   the motion to compel yesterday. I think we should -- I  
8                   would like the Court to move forward with the motion to  
9                   remand, to hear our arguments, and I'm hoping that if the  
10                  Court does make a ruling in the defendants' favor to remand,  
11                  that there's not going to be an opportunity for the  
12                  plaintiff and his attorney to then say, "Well, we're  
13                  objecting to that ruling because I wasn't" -- Ms. Clark  
14                  herself was not here to make the argument on behalf of  
15                  Mr. Rickmyer.

16                  THE COURT: All right.

17                  MS. BOWMAN: Thank you, Your Honor.

18                  THE COURT: All right. Mr. Rickmyer, we'll hear  
19                  from you.

20                  MR. RICKMYER: Yes. It's interesting to note,  
21                  with all due respect to the defendants' attorneys, that Jill  
22                  Clark has been on medical leave till January 7th, which  
23                  means that she could actually file a motion without  
24                  violating her doctor's restrictions, and that's all I wanted  
25                  to point out.

1                   Thank you.

2                   THE COURT: Well, first of all, with regard to the  
3 motion to consolidate, which so that the record stays clear  
4 is document 28, it was filed yesterday, January 10th, one  
5 day preceding the hearing. It suffers several infirmities  
6 under the civil rules, some of them mentioned by  
7 Mr. Godfread and Ms. Bowman. It wasn't appropriately  
8 noticed, has not been scheduled or gone through the  
9 meet-and-confer process or the other legal requirements to  
10 be officially before the Court.

11                  I don't know that there is anything specifically  
12 with regard to Ms. Clark's medical condition that's been  
13 filed with regard to this particular case, but I'll assume  
14 that she is on medical leave and the ruling is in no way  
15 dependent on that understanding.

16                  It suffers, as I said, a number of procedural  
17 irregularities and is not properly before the Court, so I am  
18 not going to consider the motion to consolidate at this time  
19 until it is appropriately raised and noticed and put on for  
20 hearing, and it will not prejudice the hearing of today's  
21 motion, which is a motion to remand.

22                  So, at this time I'll hear the defendants in  
23 support of the motion to remand that they have filed and  
24 noticed some time ago to be heard today.

25                  Ms. Bowman?

1 MS. BOWMAN: Thank you, Your Honor.

2 Your Honor, I'm not going to go into a lot of  
3 detail for the underlying case, but I think it's very clear  
4 that the statute only allows that defendants can remove a  
5 case from state court to federal court and that it must be  
6 done, that notice to remove must be done within 30 days.

7 This case has been pending in Hennepin County District Court  
8 since May 17th of 2011. Needless to say, the 30-day  
9 requirement has long since passed.

10 The plaintiffs are the ones that are bringing the  
11 motion, it is not the defendants, and this case in Hennepin  
12 County has proceeded along with answers to the complaint, to  
13 discovery. As a matter of fact, one of the defendants,  
14 Michael Browne, has been dismissed, was dismissed in June of  
15 2012. A summary judgment motion was scheduled three  
16 different times to be heard but was continued by Ms. Clark  
17 claiming a medical reason.

18 Then the court, Judge Bush in Hennepin County  
19 District Court, continued the original date from July 17th  
20 to August 16th and then again to October 10th. With that  
21 already being scheduled then, Ms. Clark brought this motion  
22 to remove this case to federal court sometime in September.  
23 I think the court actually ruled it to be -- the Hennepin  
24 County District Court ordered that it be remanded on  
25 September 22nd of 2012, again, clearly 30 days past what's

1 required by the statute and again is filed by the plaintiff,  
2 not the defendants. I think -- not to make -- I just think  
3 it's simply clear by the statute that this matter should be  
4 removed back to Hennepin County and that it be continued  
5 there to its completion.

6 Thank you, Your Honor.

7 THE COURT: Mr. Godfread, did you want to be heard  
8 with regard to your position on the matter?

9 MR. GODFREAD: Yes, Your Honor, just briefly.

10 I think I'd just like to emphasize very briefly  
11 that of course the removal is not appropriate for the  
12 underlying case with the motion that's brought, but also the  
13 petition for removal has a number of other defects. Many if  
14 not all the cases are inappropriately removed for the same  
15 reason, others don't have -- do not have federal subject  
16 matter jurisdiction. I'll just mention the one that  
17 involves my client in particular.

18 In the petition for removal, page 8, number 9,  
19 Jerry Moore v. Don Allen, et al., that case is, again, over  
20 four years old and involves common-law tort claims, again  
21 removed by the plaintiff, not the defendant. So, in  
22 addition to failure to comply with the removal statute, it  
23 seems that most of this case such as it is doesn't have  
24 federal subject matter jurisdiction either.

25 And as a matter of additional flaws, it seems that

1       joinder would also be inappropriate, because none of these  
2       cases seem to have anything to do with each other.

3                 Ultimately, again I'll reiterate, it's our belief  
4       that the only purpose of this removal was to avoid the  
5       imposition of costs and fees which defendant Browne, who was  
6       dismissed from the underlying action, has now received a  
7       judgment for attorneys' fees. And I believe this removal is  
8       not only inappropriate, it's frivolous, and the only purpose  
9       it serves is to further delay the state court proceeding.

10               On the issue of delay and medical leave, I'd like  
11       to point out for the record that if Mr. Rickmyer's statement  
12       that medical leave -- Ms. Clark's medical leave ended on  
13       January 7th, it's not clear why she would be unable to  
14       attend today's hearing, but with that we have nothing  
15       further.

16               THE COURT: All right. Mr. Rickmyer?

17               MR. RICKMYER: It's my understanding the purpose  
18       for any case to be removed to federal court and the purpose  
19       of the federal court is to protect the constitutional rights  
20       of the party that's removing it.

21               Ms. Bowman respectfully pointed out to the Court  
22       that there's somehow a 30-day rule in there, so Ms. Bowman's  
23       presenting to this Court that if after 30 days it becomes  
24       apparent that judges are committing judicial misconduct and  
25       the defendants are committing fraud upon the court and it's

1           discovered after the 30 days or even before the 30 days, the  
2           plaintiff cannot ask the federal court to protect its  
3           constitutional rights.

4           In this case -- and I believe that I put it into  
5           the main objection -- in this case, Michael Kip Browne, on  
6           or at the same time as the attorney filed an *ex parte* motion  
7           and received an *ex parte* motion order from Judge Bush.  
8           Michael Kip Browne went to the Department of Corrections and  
9           got relief from the civil action by denying me the right to  
10          access the courts to amend the complaint to survive summary  
11          judgment. Now, this was in the 27-CV-10-3378.

12          Now, it's interesting to note that even though  
13          that case got removed, noticed to remove, that case did not  
14          get sent over here from district court, and I can only guess  
15          on several reasons, but I did ask for relief from the court  
16          from the *ex parte* order which denied me discovery requests  
17          which I was going to use to amend the complaint to survive  
18          summary judgment.

19          Now, further, the defendants have *ex parte* access  
20          to Fourth Judicial District judges and they've used that  
21          access to put forth *ex parte* verbal motions and received  
22          *ex parte* orders which was detrimental to me. And it seems  
23          to me that the defendants would have a distinct advantage  
24          over the plaintiff, me, because of the *ex parte* access they  
25          have just by their position.

1                   Will McDonald went in representing John Hoff in a  
2 civil matter, putting forth a verbal motion and receiving an  
3 order to not accept the lawsuit that was served upon him,  
4 and Judge Blaeser honored Will McDonald's request.

5                   THE COURT: I think -- and I'll hear you out if  
6 you'd like me to, but what would really be more helpful to  
7 my deciding if this case should be remanded back to state  
8 court is if you could tell me why the arguments of the  
9 defense aren't correct with regard to whether or not -- I  
10 guess you are sort of addressing the 30-day requirement, but  
11 there's also not much authority, if any, that this may be  
12 removed by a plaintiff rather than a defendant.

13                  And then I guess on a more practical level -- and  
14 this isn't anything you need to be a lawyer on -- one of the  
15 things that's making this case really complicated is that  
16 the petition for removal encompasses several matters of very  
17 different types, including your own. And I understand  
18 you're focusing on that case, but it also says in the  
19 petition that it wants to remove an action against Wells  
20 Fargo, a matter called Klock vs. Minneapolis, Moore vs.  
21 Hoff, et cetera. So --

22                  MR. RICKMYER: It's my understanding the only  
23 motion to remand is my case.

24                  THE COURT: Well, but they're all within one case.  
25 It's been filed by your attorney, who you say is your

1 attorney, as a separate petition for removal and there's  
2 just one petition for removal, so I'm going to consider  
3 their arguments as it relates to everything in that  
4 petition.

5 MR. RICKMYER: Well, then I would -- if you're --  
6 since I don't represent the other parties --

7 THE COURT: I understand.

8 MR. RICKMYER: -- that I would request this  
9 hearing to be suspended and to notice all parties and  
10 whether they obtain new attorneys or if they still retain  
11 Jill Clark to appear, because they're not being represented  
12 at this hearing which you may decide against them, and so I  
13 think at this juncture that it might be prudent to halt  
14 these proceedings.

15 THE COURT: But their attorney, just like you,  
16 they have the same facts and notice that you do. This has  
17 been appropriately noticed. The motion was filed back in  
18 October, so it isn't any surprise that we're hearing this  
19 today, and there is an opportunity to be heard by any  
20 parties that wish to just like yourself.

21 MR. RICKMYER: Right. But as you mentioned, it's  
22 one petition, and to make a ruling on arguments made by a  
23 person that's making a limited appearance *pro se* to the  
24 whole petition versus just plaintiff Rickmyer's objections  
25 to remand seems to me that -- it just doesn't seem correct.

1 You know, legally it may be done. It just doesn't sound  
2 like that should happen.

3 THE COURT: Well, do you understand the problem?

If these had been brought as four or five matters,  
individual cases from state court, then I would agree, but  
it was your attorney's choice to bring this encompassing  
multiple cases, so I've got to address it in the same  
posture as your attorney put it before me. I'm considering  
your arguments just as they relate to your case that you're  
involved in, but I have to figure out what I do with the  
others.

12 MR. RICKMYER: Can I make this suggestion to the  
13 Court? Can I make a motion to separate my case from the  
14 other cases, so that way the decision that you make upon my  
15 case does not affect other cases? Because I'm more  
16 concerned about --

17 THE COURT: Their rights.

18                   MR. RICKMYER: Yeah. And like I said, it doesn't  
19                   sound correct that I would be the one that would be  
20                   representing everyone else when I'm not an attorney. So I  
21                   would at minimum suggest to separate it out, at least my  
22                   case versus everyone else's, because the other cases are not  
23                   actually a motion to remand. It was just my particular case  
24                   from Julie Bowman.

25 And the one note that I want to make, and clearly,

1       is that part of my argument was that Will McDonald was  
2       representing John Hoff and Meg Goodmundson when he went to  
3       Judge Blaeser. Now that we're in federal court, that  
4       stopped. However, if you look at the motion to remand, the  
5       consensus that I get out of that motion is that Julie Bowman  
6       prepared the paperwork and then Mr. Godfread and Megan  
7       Goodmundson just signed onto it.

8                  And so the difference here is that instead of Will  
9       McDonald going up to the judge *ex parte* representing John  
10      Hoff and Goodmundson, in this case we have Julie Bowman  
11      doing some legal work. I don't know what the extent is.  
12      I've watched them converse and I saw -- and I don't know to  
13      what extent, but it seems to me that at least in this forum,  
14      I'm positive that neither Will McDonald or any of the  
15      defendants are going to be allowed to put forth to the Court  
16      *ex parte* motions or receive *ex parte* orders. And so that's  
17      important to me, that Will McDonald's not allowed *ex parte*  
18      communication with the Court, or his attorney, or John  
19      Hoff's attorney, or John Hoff, or any of the other  
20      defendants.

21                  The other thing is, Julie Bowman mentioned the  
22      30-day rule after an order. Once an order is placed you  
23      have 30 days if the order is deemed to be biased or  
24      prejudiced or if there was judicial misconduct.

25                  Now, within seven days of me filing the objection

1 and accusing defendant Schooler committing fraud upon the  
2 court by lying to Fourth Judicial District judges about me,  
3 Judge Bush signed an order awarding Michael Kip Browne  
4 \$20,000.

5 THE COURT: Okay. Again, we're kind of getting, I  
6 think, into the merits of your case. The only issue that  
7 I'm going to be dealing with today, Mr. Rickmyer, is whether  
8 these cases belong in federal court or not, not anything  
9 with regard to the merits of your case.

10 MR. RICKMYER: I was addressing the 30-day rule  
11 that Julie Bowman brought up.

12 THE COURT: All right.

13 MR. RICKMYER: Judge Bush's order is within 30  
14 days of today. Judge Bush did a quiet title order because  
15 the case was removed to federal court.

16 Now, getting back to why it should be removed  
17 here. I was just kind of filling in the blanks.

18 Now, Judge Bush signed an *ex parte* order which was  
19 detrimental to the plaintiff. When I requested the court  
20 for relief, the court refused.

21 Now, Judge Blaeser recused himself from the 10  
22 case because of judicial conduct I had accused him of. In  
23 the policy with the Hennepin County bench, the buddy  
24 judge -- when a judge recuses himself, the buddy judge also  
25 recuses himself.

1               In this case, Judge Bush is Judge Blaeser's buddy  
2       judge. And in light of Judge Bush signing the *ex parte*  
3       order and the court not giving me relief, at minimum Judge  
4       Bush should have recused himself from the cases as soon as  
5       he was assigned the 10 case on the administrative level, and  
6       it goes to bias and they're willing to do anything that it  
7       takes.

8               So, basically the defendants have tried to silence  
9       me because their organization, Jordan Area Community  
10      Council, has a long history of blatantly disrespecting  
11      persons with disabilities by intentionally violating the  
12      Americans with Disabilities Act, and that -- and that's  
13      Michael Browne's organization, and their tenant is Hennepin  
14      County Department of Corrections.

15              So, what happened is that Michael Browne or a  
16      representative went to their tenant, Hennepin County  
17      Department of Corrections, and said: Don't let him amend  
18      the complaint. Don't let him file anymore. We have a  
19      summary judgment and we want him to lose because we do not  
20      want to adhere to the Americans with Disabilities Act. We  
21      want to discriminate.

22              And so as Your Honor noticed, that Hennepin County  
23      Department of Corrections is in violation of Title III, ADA,  
24      by renting from Jordan Area Community Council 2539 Irving  
25      illegally. It violates --

1                   THE COURT: Again, I'm having a little trouble  
2 understanding how all of these statements relate to whether  
3 the case should be remanded to state court.

4                   MR. RICKMYER: Well, basically that they got  
5 relief from their tenants to deny me access to the court by  
6 not allowing me to amend the complaint in the 10 case to  
7 survive summary judgment.

8                   THE COURT: Because if you'd been allowed to amend  
9 the complaint, you'd be within the 30-day rule; is that what  
10 you're --

11                  MR. RICKMYER: No, I would have survived summary  
12 judgment in state court. And the state court, now looking  
13 at everything that I received up to today, now I know that  
14 there was judicial misconduct in communication with JACC's  
15 tenant, Hennepin County Department of Corrections, not only  
16 to deny me the right to amend the complaint, but to silence  
17 me by making me a frivolous litigant.

18                  And the reason why I say that is that a party can  
19 lose a lawsuit. It doesn't make that person frivolous in  
20 any sense. And in this case, the reason why I lost the  
21 lawsuit is because Michael Kip Browne, an attorney with the  
22 Civil Rights Department, committed fraud upon the court by  
23 omissions, by going to his tenants -- I'm not -- I'm sorry.  
24 I've gone afar. I certainly apologize for this.

25                  Basically what I'm saying is that if I understand

1 Ms. Bowman's argument, she's saying that she hasn't denied  
2 the allegations of the judicial misconduct, she hasn't  
3 denied the fraud upon the court --

4 THE COURT: Well, how I read what she's saying is  
5 that she's not going to discuss the merits. She's saying I  
6 should remand them because plaintiffs don't have the right  
7 to remove and that even if they did it wasn't done within 30  
8 days, and that there's mishmash of things here that tries to  
9 remove several cases at once, and that's the way I'm going  
10 to be analyzing the case, not on the merits or anything with  
11 regard to things that have happened procedurally in Hennepin  
12 County.

13 MR. RICKMYER: Right. If I could finish this  
14 thought, what I was trying to say is that -- if I understand  
15 Julie Bowman's argument -- is that she's saying that because  
16 of the judicial misconduct and because of her client's  
17 representing Hoff and stuff like that, that because I didn't  
18 discover it or the motion wasn't done within 30 days of the  
19 order, of any order -- I believe the notice can be done on  
20 any order which is produced. The notice of removal must be  
21 done within 30 days of the order, which is done because of  
22 bias, prejudice and judicial misconduct. And what I'm  
23 saying is that Judge Bush's order ordering Michael Kip  
24 Browne's award of \$20,000 is the following.

25 Michael Kip Browne, because you went to your

1 tenant and committed fraud upon the court and then you went  
2 to Judge Blaeser and got an *ex parte* order, and because I'm  
3 supposed to remove myself from the case because Judge  
4 Blaeser recused himself, but I'm not, and because plaintiff  
5 Rickmyer filed an objection accusing me of judicial  
6 misconduct, I'm going to reward you for your conduct and  
7 award you \$20,000.

8 Now, what I'm saying is that the order awarding  
9 Michael Kip Browne \$20,000 after Judge Bush was supposed to  
10 recuse himself shows bias in itself. That order was done in  
11 mid-September -- I mean mid-December -- excuse me -- last  
12 month. That bias, the prejudice, and why it should be  
13 removed to federal court is just because if you remand it  
14 back to state court, the defendants can trample on my  
15 constitutional rights. The state courts have shown that  
16 they will not protect my constitutional rights.

17 Now -- and I really want to emphasize this point:  
18 The only person that has stood up to Attorney Godfread's  
19 client, John Hoff, and told him no, we're not going to  
20 violate plaintiff Rickmyer's constitutional rights. He has  
21 an absolute right to do this and we're not going to violate  
22 that. John Hoff attempted to intimidate and did intimidate,  
23 harass and bullied my parole agent, Bobbie Chevalier-Jones,  
24 for approximately six months until she feared for her  
25 family's life.

1                   THE COURT: Okay. Again, I'm having a little  
2 trouble understanding how these relate specifically to the  
3 motion to remand. I understand that you really want to  
4 argue your case on the merits, but --

5                   MR. RICKMYER: Well, no, I'm trying to illustrate  
6 why it should stay here, and the reason is that the County  
7 Attorney's Office should have been working on behalf of  
8 Bobby Chevalier-Jones against Godfread's client, John Hoff,  
9 so Parole Agent Jones would not be harassed.

10                  And what I'm saying is that in the state courts  
11 right now, there's no chance that my constitutional rights  
12 will be protected, and I'm seeking this Court to stand up  
13 and say, you know, even though it's -- even if you give  
14 Bowman's argument credibility, that it's been over 30 days  
15 since the last order that was produced in the 11 case, even  
16 though it wasn't -- there was a quiet title done that I  
17 supplied documents about within the last 30 days -- that  
18 Bowman's saying that because I'm the plaintiff, that the  
19 Fourth Judicial District can commit judicial misconduct, can  
20 be biased against you, and you have no constitutional right  
21 to be protected by removing it to federal court. That's  
22 what she's telling the judge, and I'm saying wait a second.  
23 That doesn't sound correct. The purpose of this Court is to  
24 protect the United States constitutional rights of every  
25 citizen, and that includes John Hoff and Will McDonald and

1                   Mr. Godfread and Ms. Bowman. It protects everyone.

2                   And when a -- when the Fourth Judicial District is  
3 prejudiced -- as noted in the main objection, Fourth  
4 Judicial District staff attempted to trespass me out of the  
5 building when I did nothing wrong. The purpose of that was  
6 to again silence me because I had -- because I had filed a  
7 removal of Zimmerman.

8                   And the same three judges, Zimmerman, Blaeser and  
9 Bush, were involved in the Stepnes case, which you have a  
10 copy of, where Judge Zimmerman ruled that the company wasn't  
11 a real LLC or wasn't a real company listed with the  
12 Secretary of State and suggested to Blaeser to do an order  
13 to show cause.

14                  And what happens -- and what I've noticed is that  
15 what happens is that when Judge Blaeser wants to do  
16 something that appears to be incorrect or against someone's  
17 constitutional rights, he has his buddy judge sign the  
18 order, and so that's what happened in the Stepnes case and I  
19 believe that's what happened in my case. Judge Blaeser made  
20 an agreement or talked with someone. I believe it was David  
21 James, who was the attorney representing JACC at the time.  
22 And so when James went over there with the *ex parte* motion,  
23 but he represented to Bush that I was actually noticed,  
24 which I wasn't, and James admitted that I was not noticed on  
25 it, that Judge Bush signed it.

1                   And I'm just asking this Court to not remand it  
2 back to the state courts. I'm asking this Court to protect  
3 my constitutional rights.

4                   Thank you.

5                   THE COURT: And have I given you an adequate  
6 opportunity to say what you think is important about the  
7 motion to remand?

8                   MR. RICKMYER: Well, I think that to send this  
9 case, or send the 10 case -- just one second.

10                  Now, the 10 case, which we spent some time on, was  
11 also removed on the notice of removal on page 8, paragraph  
12 9. With Your Honor's permission --

13                  THE COURT: I don't think we need to do that. We  
14 all have the thing. I'm not going to --

15                  MR. RICKMYER: No, no. This is something else.

16                  THE COURT: Not new matters --

17                  MR. RICKMYER: No, no. It's not a new matter.  
18 It's the 10 case, even though it's noticed to remove, and  
19 the 11 case was removed. The 10 case, where Judge Bush  
20 actually committed judicial misconduct and most of the bad  
21 acts that were done, was not removed. The file was not  
22 transferred over here. And the problem that I see there is  
23 that Judge Bush knows what he did in this case was wrong.

24                  And if this Court wants to send it back, I don't  
25 have the technical knowledge to say, hey, you know, because

1       of this law, this law and this law it shouldn't be done.  
2       But just using common sense and logic, to grant defendant  
3       McDonald's motion and defendant Hoff's motion and  
4       Goodmundson's motion, if you grant it, you're basically  
5       saying: You know what? It's okay if Fourth Judicial  
6       District judges commit judicial misconduct and it's okay for  
7       the defendants to commit fraud upon the court, because we're  
8       not going to protect plaintiff Rickmyer's constitutional  
9       rights because Plaintiff doesn't have the technical right to  
10      remove it to federal court. However, I disagree with that.

11           And even if the law doesn't say -- doesn't  
12      specifically state that you can keep jurisdiction over this,  
13      that I would have to say the U.S. Constitution allows you to  
14      retain jurisdiction, because I believe I've given you ample  
15      evidence, documented evidence, of the judicial misconduct  
16      and fraud upon the court by the defendants. And that  
17      because of the purpose of federal court is to protect the  
18      constitutional rights of everyone, including the plaintiff,  
19      that I believe you can still retain jurisdiction even if you  
20      buy into Ms. Bowman's argument that, hey, it doesn't matter  
21      if the judges are biased and prejudiced and committed  
22      judicial misconduct against Plaintiff, and it doesn't matter  
23      if the judges allow Will McDonald to put forth *ex parte*  
24      motions and receive *ex parte* orders from the judges. We  
25      still want you to remand it back to state court, because you

1 know what? We can win each and every motion that we put  
2 forth to the state court. We don't want it in federal court  
3 because you're going to protect the plaintiff's  
4 constitutional rights, including not allowing the defendants  
5 to have *ex parte* communication with the court.

6 Thank you.

7 THE COURT: Do the defendants feel I have the  
8 appropriate arguments before the Court with regard to their  
9 motions to remand or do they desire to supplement those by  
10 way of any rebuttal?

11 MS. BOWMAN: I don't believe so, Your Honor, not  
12 on my behalf.

13 THE COURT: Mr. Godfread?

14 MR. GODFREAD: No, Your Honor.

15 THE COURT: Well, I have had a full opportunity to  
16 consider the pleadings which are filed here in federal  
17 court, Docket Number 12-2621, which was initiated by the  
18 filing of a petition for removal, and I am prepared to rule  
19 on that. I think despite the number of different issues  
20 raised of many types, that the issues before the Court today  
21 are relatively straightforward.

22 As a threshold or preliminary issue somewhat  
23 raised by the arguments today is the question of whether the  
24 motion today, the motion to remand, is appropriately before  
25 the Court and ready for ruling. There's been some

1 discussion with regard to Ms. Clark's position on it.

2 Clearly by Mr. Rickmyer's statements today and the pleadings  
3 filed, she remains as counsel for all of the named  
4 plaintiffs in the various actions that are encompassed by  
5 the petition for removal.

6 This particular file does not include any request  
7 by Ms. Clark with regard to her medical status other than  
8 matters that are not of record. As to whatever medical  
9 status she is on or medical leave expired on some date in  
10 January or not, the record will reflect that this Court did  
11 not receive any motion for any accommodation, to be heard by  
12 way of telephone or to be heard on the pleadings that were  
13 submitted which the Court would have accommodated if it had  
14 been requested.

15 I also feel that given the straightforwardness of  
16 the intended ruling today that further argument or the  
17 presence of Ms. Clark in person to further the positions  
18 taken by herself in the matters already of record or as  
19 argued by Mr. Rickmyer today is not in any way prejudicial  
20 to the rights of her clients.

21 The issue then, since I have decided that it is  
22 appropriately before the Court, is whether or not the case  
23 should be remanded to state court, Hennepin County, from  
24 whence it came.

25 Focusing upon the petition for removal itself,

1       that is, the document that instigated this matter and gave  
2       life to it in federal court, the petition is 14 pages, which  
3       encompasses at least four, if not more, state court actions  
4       in Hennepin County. One would be Clark's action against  
5       Wells Fargo, which is discussed in there, clearly  
6       Mr. Rickmyer's action as we've heard about today, which  
7       encompasses various defendants, including Mr. Hoff,  
8       Ms. Goodmundson and Will McDonald. There is also an  
9       additional case of Klock vs. Minneapolis, as well as Moore  
10      vs. Allen, Hoff, et cetera. There may be other cases  
11      mentioned as well.

12                  As I think the record today will reflect, the fact  
13      that there are so many things encompassed in different cases  
14      has created procedural as well as substantive issues.  
15      Mr. Rickmyer has been appropriately careful to make sure his  
16      remarks apply only to his case and I understand and accept  
17      he does not wish to prejudice any of the other individuals  
18      or clients of Ms. Clark whose cases may be mentioned in that  
19      case.

20                  As the defendants have argued, there are several  
21      issues with regard to this Court's jurisdiction and  
22      procedural irregularities. One of those, as I've already  
23      spoken about, is the fact that there is no legal support  
24      that the Court is aware of or has been brought to my  
25      attention with regard to whether or not a plaintiff has the

1 right to remove a case from state court to federal court.

2 That is something that typically applies only to defendants.

3 We also have the issue that we've discussed with  
4 regard to the 30 days. And as I think Mr. Rickmyer's  
5 arguments indicate, it's really hard under the  
6 all-encompassing and broad cases brought to figure out which  
7 case we're talking about and 30 days as to which case or  
8 when because there's so much encompassed by this complaint.

9 It would be a much easier task for the Court to analyze  
10 federal jurisdiction if they were brought individually, each  
11 separate case were brought individually. Then we would not  
12 have to deal with the triggering event or when the 30 days  
13 runs with regard to each case.

14 So, in essence, the petition for removal is just  
15 too broad, encompasses way too much for it to be a single  
16 federal case as it's currently styled. Therefore, I'm going  
17 to grant the motion to remand. Everything encompassed  
18 within the petition for removal is remanded to federal  
19 court. That makes moot the motion to consolidate because  
20 it's back in federal court.

21 I'll give you an opportunity when I'm done. I  
22 have several more things I want to say about the case and  
23 I've given you a real adequate opportunity to state your  
24 position.

25 Another illustration of the impossible task before

1       the Court is, for example, Mr. Rickmyer has I assume what is  
2       his motion for *in forma pauperis* status filed with the  
3       Court. It's a little hard to determine if that is yours  
4       since I can't read the signature, but I take it that it is  
5       in fact yours. The signature is totally illegible. But  
6       it's mooted out by the fact that I am remanding these cases  
7       back to state court in any event.

8                   So, the cases are remanded. This file, that is,  
9       the entire court file 12-2621 will be closed. The cases are  
10      remanded.

11                  Now, they need to be reanalyzed individually, and  
12       I am not opining in any way, shape or form as to whether or  
13       not if they were individually brought they might survive  
14       some attempt to bring them in federal court by some other  
15       vehicle. I have serious doubts as to whether a removal is  
16       appropriate and also with regard to timeliness. But if any  
17       of the plaintiffs, Mr. Rickmyer or any of the other  
18       plaintiffs, thought they had an appropriate vehicle to bring  
19       them in federal court, that should be carefully reconsidered  
20       before any attempt to bring these in federal court.

21                  I am not opining either, as Mr. Rickmyer  
22       suggested, in any way as to issues with regard to judicial  
23       misconduct or constitutional rights. This is a procedural  
24       ruling on the current petition for removal encompassing, as  
25       it does, many different and sundry causes of action which

1 have no common denominator that the Court can discern in any  
2 fashion. Some of them are harassment cases, some of them  
3 with regard to issues raised with regard to a foreclosure.  
4 There is no common denominator and no reason for those  
5 matters to be joined.

6 So, at this juncture, the Court does rule that the  
7 motion to remand all matters encompassed within the petition  
8 for removal is granted.

9 Now, did you have a question, Mr. Rickmyer?

10 MR. RICKMYER: Yes. I'd like some  
11 clarification -- well, questions to the Court, if that's  
12 okay.

13 The clarification that I'd like to know is, what  
14 you're saying is that you're remanding back the whole file  
15 and that if an attorney reviews the individual file and  
16 wishes to notice to remove, it can be done and the Court  
17 will take a look at the individual removal, but will not  
18 look at the --

19 THE COURT: I'm saying simply that this motion or  
20 petition for removal of all of those cases is an improper  
21 instrument and does not raise sufficient questions of  
22 federal jurisdiction to allow the case to proceed, so I'm  
23 remanding it to state court. If there's any chance at  
24 all -- and I'm not saying that there is. Don't read into  
25 this the fact that I'm saying if you just bring it

1       individually then it will survive. No, there's very serious  
2       problems, some raised in court today. Do you have a right  
3       to remove? And if you could somehow get to that -- I'm not  
4       sure you could get to that -- then there's also the issue of  
5       30 days.

6                   So, I am not making any declaration that if  
7       they're individually brought they're appropriately here, but  
8       they certainly are not acceptable in the form that they've  
9       been brought and for that reason it cannot go forward.  
10      There's no way for the Court given the status of the removal  
11     to carve out. It's all interspersed amongst each other.  
12      It's entirely inappropriate for federal consideration given  
13     the posture in which it was presented to the Court. Beyond  
14     that I'm not going to say anything further.

15                  MR. RICKMYER: I'm sorry. Let me back up one step  
16     and I apologize.

17                  What I hear you saying is that you are not making  
18     any judgment today whether or not my individual case had  
19     merit or not to have it removed. What you're saying is that  
20     the petition to remove all the cases together as it was  
21     presented to the Court was inappropriate and that's why  
22     you're remanding it back to state court.

23                  THE COURT: I think that's largely what I'm  
24     saying. That's principally correct, but I'm not -- I want  
25     to reiterate. I'm not saying if individually brought it

1       could survive here. That's not an issue that I'm deciding  
2       today.

3               Okay. Do the defendants have any questions about  
4       the ruling?

5               MS. BOWMAN: No, Your Honor. I just want to  
6       clarify.

7               At one point during your ruling you indicated that  
8       you were going to remand the cases back to federal court. I  
9       just want to clarify that it was back to state court.

10              THE COURT: It was removed to federal court,  
11       remanded to state court.

12              MS. BOWMAN: Thank you, Your Honor.

13              THE COURT: Anything further?

14              MR. RICKMYER: Thank you, Your Honor.

15              THE COURT: Court will be in recess.

16              (Proceedings concluded at 10:30 a.m.)

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C E R T I F I C A T E

I, **TIMOTHY J. WILLETT**, Official Court Reporter  
for the United States District Court, do hereby  
certify that the foregoing pages are a true and  
accurate transcription of my shorthand notes,  
taken in the aforementioned matter, to the best  
of my skill and ability.

*/s/ Timothy J. Willette*

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